

Just the Facts About ...

Construction Noise Control

The Noise Control Ordinance

Montgomery County attempts to control noise, or unwanted sound, with the **Noise Control Ordinance** that establishes maximum acceptable property line limits according to the use of the receiving property and the time of day. These limits are expressed as A-weighted decibels (dBA). Because most of the receiving property in the county is either residential or "mixed-use," the most restrictive standard of 65 dBA daytime and 55 dBA nighttime almost always applies. Daytime hours begin at 7:00 a.m. on weekdays and 9:00 a.m. on weekends and holidays. They end at 9:00 p.m., when the nighttime "quiet hours" begin.

Besides the objective measured levels, the Ordinance has another, more subjective provision for random, intermittent events, usually of short duration at times when an enforcement officer with a Sound Level Meter is not available or nearby. This is called a "Noise Disturbance" and it is sustained, in court if necessary, by the testimony of witnesses. While a Noise Disturbance may occur at any time, they are usually more readily proven during the "quiet hours."

What Makes Construction Noise Special?

Virtually all potential noise sources that operate on a permanent or semi-permanent basis can be designed or controlled to meet the receiving property line standard. Likewise, potential sources under human control, such as electronically amplified sound, can be designed and operated to meet the Ordinance requirements.

With careful planning and operation, some construction activities can also be conducted during the daytime hours without exceeding the daytime residential standard of 65 dBA. However, noise from other construction activities, including site preparation, repairs and demolition, are difficult, if not impossible, to control to the receiving property line limits. This is because the engineering design and technical controls that are effective on permanent stationary sources would be neither practical, nor reasonable for what is a temporary, often mobile, noise source or combination of sources. This is especially true in the era of

"Smart Growth" that incorporates "redevelopment of the urban core" and concentration of growth around existing infrastructure. These are worthwhile land use concepts, but they tend to bring intense construction into close proximity with existing residential and commercial uses. Fortunately, reasonable and practical controls can be placed upon construction activities to minimize the temporary increase in noise levels and attempt to balance the interests of all concerned.



Construction Noise Exception

Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, noise from construction activities must not exceed 75 dBA, measured at the nearest receiving property line, but no less than 50 feet from the source.

Several construction activities, such as demolition or pile driving, may inherently exceed 75 dBA, depending upon the circumstances. In those cases, the Ordinance allows up to 85 dBA, provided a Noise Suppression Plan, approved by the Department of Environmental Protection, is implemented. Essentially, these plans require the best reasonably available control technology or strategy. They may involve equipment selection, scheduling and temporary noise control devices to block or absorb the sound.

At all times other than 7:00 a.m. to 5:00 p.m. weekdays, construction activities must meet the time of day receiving property line limits specified above, almost always 65 dBA daytime and 55 dBA nighttime.

Construction activities are also subject to the Noise Disturbance provisions. Noise Disturbance incidents normally arise during the late night or early morning hours and involve delivering, loading and unloading equipment or materials and the associated back-up beepers.

Many developers, general contractors and sub-contractors who routinely work in Montgomery County manage to comply with the Ordinance while still meeting challenging construction schedules. They do this not only because it is the law, but also because noise control is simply good business.

How Do They Do It?

Here are a few tips based upon the experience of others:

1. Incorporate noise control considerations in all phases of project design and planning.
2. Communicate with the surrounding community, early and often. Put a human face on the project and the company. Let people know what is happening and, most important, when it should be over. People are more tolerant when they know what to expect.
3. "Buy Quiet – Rent Quiet." Select equipment for low noise emission design. Likewise, when renting, specify the quietest equipment available, using the Ordinance requirements as a guide. Low noise equipment is often of better quality and durability. Most manufacturers can provide noise emission specs.
4. Internal combustion equipment should be equipped with proper well-maintained mufflers. In particularly noise sensitive areas, use "critical" mufflers. Access doors and hatches should remain closed when the units are in operation and all equipment should be operated at the minimum level necessary to get the job done. (Saves fuel too!)
5. Whenever possible, schedule the more noise intense activities for less intrusive times, such as mid-morning to mid-afternoon.
6. Construct portable barriers around noisy non-mobile pieces of equipment, using readily available materials.
7. Use lawful alternatives to factory pre-set back-up beepers, such as flagpersons, "Smart Alarms" or video systems.

8. Purchase a DEP approved sound level meter for self-monitoring and documentation.

9. "Work Quiet." Equal to all of the above is the awareness that noise control is an important part of the job. Everyone likes a good neighbor. Managers and supervisors should communicate that noise control is part of the job.

These are only a few suggestions. People that know their business, profession or trade can come up with more ideas and DEP is more than willing to help. Pro-active and reasonable control of construction noise results in more content communities and successful, on-schedule projects with a minimum of hassle because of noise. It also removes the inconvenience of civil penalties, abatement orders, or Stop Work orders.

More detailed information may be found by selecting the *Noise Ordinance* and *Notice to Contractors* from the Noise Control section of DEP's website, www.montgomerycountymd.gov/DEP; If there are any questions, please contact DEP at 240.777.7770 or email: dep.askdep@montgomerycountymd.gov.

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